

105TH CONGRESS
1ST SESSION

S. J. RES. 23

Expressing the sense of the Congress that the Attorney General should exercise her best professional judgment, without regard to political pressures, on whether to invoke the independent counsel process to investigate alleged criminal misconduct relating to any election campaign.

IN THE SENATE OF THE UNITED STATES

MARCH 18, 1997

Mr. LEVIN (for himself) and Mr. LEAHY introduced the following joint resolution; which was read twice and considered

JOINT RESOLUTION

Expressing the sense of the Congress that the Attorney General should exercise her best professional judgment, without regard to political pressures, on whether to invoke the independent counsel process to investigate alleged criminal misconduct relating to any election campaign.

Whereas the independent counsel law was created to restore public confidence in the criminal justice system after the abuses of the Watergate scandal;

Whereas the decision on whether to invoke the independent counsel process in a particular matter rests by constitutional necessity with the Attorney General and not with the United States Congress;

Whereas the law provides, in section 591(a) of title 28, United States Code, that the Attorney General must invoke the independent counsel process where there is specific information from a credible source that a crime may have been committed by a covered person;

Whereas the law provides, in section 591(c)(1) of title 28, United States Code, that the Attorney General may invoke the independent counsel process where there is specific information from a credible source that a crime may have been committed by any other person and where the Justice Department has a personal, financial, or political conflict of interest;

Whereas the law provides, in section 591(c)(2) of title 28, United States Code, that the Attorney General may invoke the independent counsel process where there is specific information from a credible source that a crime may have been committed by a Member of Congress and where it would be in the public interest to do so;

Whereas the Attorney General has invoked the independent counsel law in the past, and has stated that she will invoke the law again if and when the legal standards have been met in a particular matter;

Whereas the independent counsel law was never intended to be used in a partisan manner, and such a misuse of the law would damage public confidence in the criminal justice system; and

Whereas it would be unprecedented and inappropriate for the Congress to cast a vote which would have the appearance of attempting to politically influence a decision by the Attorney General on whether to invoke the independent

counsel process in a particular manner: Now, therefore,
be it

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 That it is the sense of the Congress that the Attorney
4 General should exercise her best professional judgment,
5 without regard to political pressures and in accordance
6 with the standards of the law and the established policies
7 of the Department of Justice, to determine whether the
8 independent counsel process should be invoked, pursuant
9 to section 591 (a) or (c), to investigate allegations of
10 criminal misconduct by any government official, Member
11 of Congress, or other person in connection with any presi-
12 dential or congressional election campaign.

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